

2007 Assembly Bill 301

Date of enactment: **March 27, 2008**

Date of publication\*: **April 10, 2008**

# 2007 WISCONSIN ACT 191

AN ACT *to amend* 134.71 (8) (d) 1., 134.71 (8) (d) 2., 134.71 (8) (d) 3., 134.71 (8) (d) 4. and 134.71 (12); and *to create* 134.71 (8) (d) 3m. of the statutes; **relating to:** holding periods and license application forms for secondhand dealers and pawnbrokers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 134.71 (8) (d) 1. of the statutes is amended to read:

134.71 (8) (d) 1. Except as provided in ~~subd. subds. 3m. and~~ 5., any secondhand article or secondhand jewelry purchased or received by a pawnbroker shall be kept on the pawnbroker's premises or other place for safekeeping for not less than 30 days after the date of purchase or receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article or secondhand jewelry recovers it.

**SECTION 2.** 134.71 (8) (d) 2. of the statutes is amended to read:

134.71 (8) (d) 2. Except as provided in ~~subd. subds. 3m. and~~ 5., any secondhand article purchased or received by a secondhand article dealer shall be kept on the secondhand article dealer's premises or other place for safekeeping for not less than 21 days after the date of purchase or receipt.

**SECTION 3.** 134.71 (8) (d) 3. of the statutes is amended to read:

134.71 (8) (d) 3. Except as provided in ~~subd. subds. 3m. and~~ 5., any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the secondhand jewelry dealer's premises or other place

for safekeeping for not less than 21 days after the date of purchase or receipt.

**SECTION 4.** 134.71 (8) (d) 3m. of the statutes is created to read:

134.71 (8) (d) 3m. If a pawnbroker, secondhand article dealer, or secondhand jewelry dealer is required to submit a report under par. (e) concerning a secondhand article or secondhand jewelry purchased or received by the pawnbroker, secondhand article dealer, or secondhand jewelry dealer and the report is required to be submitted in an electronic format, the secondhand article or secondhand jewelry shall be kept on the pawnbroker's, secondhand article dealer's, or secondhand jewelry dealer's premises or other place for safekeeping for not less than 7 days after the report is submitted.

**SECTION 5.** 134.71 (8) (d) 4. of the statutes is amended to read:

134.71 (8) (d) 4. During the period set forth in subd. 1., 2. ~~or 3.~~, or 3m., the secondhand article or secondhand jewelry shall be held separate and apart and may not be altered in any manner. The pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall permit any law enforcement officer to inspect the secondhand article or secondhand jewelry during this period. Within 24 hours after a written request of a law enforcement officer during this period, a pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall make avail-

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\* Section 991.11, WISCONSIN STATUTES 2005-06 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

able for inspection any secondhand article or secondhand jewelry ~~which~~ that is kept off the premises for safekeeping. Any law enforcement officer who has reason to believe any secondhand article or secondhand jewelry was not sold or exchanged by the lawful owner may direct a pawnbroker, secondhand article dealer, or secondhand jewelry dealer to hold that secondhand article or secondhand jewelry for a reasonable length of time ~~which~~ that the law enforcement officer considers necessary to identify it.

**SECTION 6.** 134.71 (12) of the statutes is amended to read:

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134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and consumer protection shall develop applications and other forms required under subs. (5) (intro.) and (8) (c). The department shall ~~print a sufficient number of~~ make the applications and forms ~~to provide~~ available to counties and municipalities for distribution to pawnbrokers, secondhand article dealers, and secondhand jewelry dealers at no cost. ~~The department may make the applications and forms available to counties and municipalities by placing the applications and forms on an Internet Web site.~~